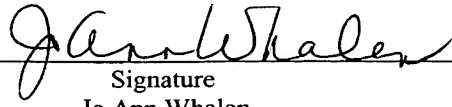


<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/517,079
		Filing Date	June 18, 2003
		First Named Inventor	Mattias Hällbrink
		Group Art Unit	Unknown
		Examiner Name	Unknown
Total Number of Pages in This Submission	11 pages & 3 compact discs	Attorney Docket Number	20747/230 (OREZ/P29765US)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Third Supplemental Preliminary Amendment (3 pages) <input checked="" type="checkbox"/> Response to the Notification of Defective Response (2 pages) <input checked="" type="checkbox"/> A copy of the Notification of Defective Response (4 pages)	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney forms <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition (\$____) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer (\$____) <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input checked="" type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Statements in Accordance with 37 C.F.R. § 1.825 (1 page) <input checked="" type="checkbox"/> Two (2) compact discs of the Substitute Sequence Listing, labeled "COPY 1 REPLACEMENT (09/18/2006)" and "COPY 2 REPLACEMENT (09/18/2006)" <input checked="" type="checkbox"/> One (1) compact disc of the computer readable form of the Substitute Sequence Listing, labeled "COPY 3 (for 371 cases) REPLACEMENT (09/18/2006)"
Remarks	<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Andrew K. Gonsalves Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1658 Fax: (585) 263-1600
Signature	/Andrew K. Gonsalves, Reg. No. 48,145/ Registration No. 48,145
Date	September 29, 2006

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
<input checked="" type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: <b>Mail Stop PCT</b> , Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____	
September 29, 2006 Date	 Signature Jo Ann Whalen Typed or printed name

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Mattias HÄLLBRINK et al.	)	Examiner:
			)	Unknown
Serial No.	:	10/517,079	)	
			)	Art Unit:
Filed	:	June 18, 2003	)	Unknown
			)	
Cnfrm. No.	:	8542	)	
			)	
For	:	CELL PENETRATING PEPTIDES	)	
			)	

RESPONSE TO THE NOTIFICATION OF DEFECTIVE RESPONSE

**Mail Stop PCT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Defective Response (mailed September 1, 2006) (**copy enclosed herewith**), applicants submit herewith the following items:

- (i) *two substitute compact disc copies* of the Sequence Listing, labeled “**COPY 1 REPLACEMENT (09/18/2006)**” and “**COPY 2 REPLACEMENT (09/18/2006)**”;
- (ii) *one substitute copy of the computer readable form* of the Sequence Listing, labeled “**COPY 3 (for 371 cases) REPLACEMENT (09/18/2006)**”;
- (iii) Statements in Accordance with 37 C.F.R. § 1.825; and
- (iv) Third Supplemental Preliminary Amendment, directing entry of the substitute compact disc copies of the Sequence Listing into the present application.

The Notification of Defective Response alleges that the compact disc copy of the Sequence Listing is not the same as the computer readable form of the Sequence Listing. Thus, the U.S. Patent and Trademark Office (“USPTO”) has required applicants to provide a substitute paper or compact disc copy of the Sequence Listing, as well as an amendment directing its entry into the application. Applicants respectfully submit that the items

submitted herewith and listed above are sufficient to satisfy the requirements set forth in the Notification of Defective Response.

Further, applicants note that the Notification of Defective Response included a two-page attachment (**copy enclosed herewith**) from the Biotechnology Systems Branch of the Scientific and Technical Information Center ("STIC"). On page 1 of the STIC attachment, STIC indicated that the only problem with the computer readable form of the Sequence Listing was that it was not saved in ASCII text. Page 2 of the STIC attachment included further information of the nature of the problem. In particular, STIC indicated that more than one file was included on the computer readable form of the Sequence Listing, and that this was in violation of 37 C.F.R. § 1.824.

Therefore, in response to the Notification of Defective Response and to the comments provided in the STIC attachment, applicants have submitted herewith a substitute Sequence Listing on compact disc (2 copies) and computer readable form. Applicants respectfully submit that the compact discs containing the substitute Sequence Listing and the computer readable form thereof each include just one file, and that each of these files (i.e., the substitute Sequence Listing) is saved in ASCII text format.

In view of all of the foregoing, applicants submit that this case is complete and ready for examination by the USPTO, and such examination is earnestly solicited. If any additional fees are due in regard to the Notification of Defective Response, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 14-1138.

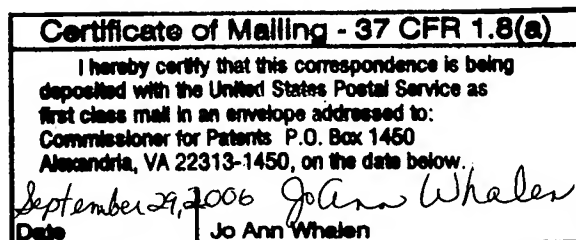
Respectfully submitted,

/Andrew K. Gonsalves, Reg. No. 48,145/

Date: September 29, 2006

\_\_\_\_\_  
Andrew K. Gonsalves  
Registration No. 48,145

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
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Facsimile: (585) 263-1600





## UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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 Alexandria, Virginia 22312-1459  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/517,079	Mattias Hallbrink	20747/230

Andrew K Gonsalves  
 Nixon Peabody  
 Clinton Square  
 PO Box 31051  
 Rochester, NY 14603-1051

ENTERED  
 Nixon Peabody LLP

SEP 07 2006

FILE 20747/230 mb  
 DKT Sequence Listing Due  
 October 1, 2006

INTERNATIONAL APPLICATION NO.	
PCT/IB03/03163	
I.A. FILING DATE	PRIORITY DATE
06/18/2003	06/18/2002

CONFIRMATION NO. 8542

371 FORMALITIES LETTER



\*OC000000020266094\*

Date Mailed: 09/01/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/06/2004
- Copy of the International Search Report filed on 12/06/2004
- Copy of IPE Report filed on 12/06/2004
- Preliminary Amendments filed on 12/06/2004
- Information Disclosure Statements filed on 07/24/2006
- Biochemical Sequence Diskette filed on 12/06/2004
- Oath or Declaration filed on 08/11/2005
- Biochemical Sequence Listing filed on 07/24/2006
- Request for Immediate Examination filed on 12/06/2004
- U.S. Basic National Fees filed on 12/06/2004
- Priority Documents filed on 12/06/2004

Applicant's response filed 07/24/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/17/2005 have not been completed.

- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing

Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/517,079	PCT/IB03/03163	20747/230

10/11/54

(sample of one of the three non-ASCII files  
on submitted CD)

Per 1.824 of Sequence Rules,  
all sequence listing files  
on computer readable form must  
be saved in ASCII text format.

Also, only one file should be on  
computer readable form (per 1.824 of  
Sequence Rules)